REMARKS

Examiner Interview:

The undersigned attorney thanks the examiner for the courtesy of the telephone interview of November 2, 2009. No final agreement was reached on claim allowability during the interview.

New Figures:

The Applicant has noted minor informalities with regard to element numbering in the Figures. New Figs. 2, 4, 6, 7 and 9 are filed herewith. No new matter is added in new Figs. 2, 4, 6, 7 or 9.

Section 112 Rejections:

Regarding claim 8, the Examiner stated that "two pairs of opposite side gates and two pairs of opposite end gates" were not disclosed.

The side gates are element #11 in Fig. 1. The end gates are element #12 in Fig. 1.

Suitable amendment has been made detailing that there are ***one*** pair (not ***two***) of each of these two gates.

Section 102 and 103 Rejections:

(a) The Present Rejections:

The examiner rejected the claims as anticipated either by Schurch or Brown or as obvious in view of Schurch in combination with Ryzuik.

(b) The Presently Claimed Invention:

Independent claims 1, 8 and 22 have been amended to clearly set forth the following three features (with reference numerals added below):

"four corner post members (22), each corner post member having a ***hollow cross section*** that terminates at its ends in a pair of laterally inwardly directed ***perpendicular*** locking flanges (23)"

"frame attachment members (35) extending along end gates 12 and defining a ***flange receiving slot*** (40) dimensioned to receive one of the inwardly directed locking flanges (23) therein"

"[wherein] locking means (26) locks frame attachment members (35) to corner posts (22)"

(c) The Presently Claimed Invention Distinguished:

The present invention provides a system where the two end panels and two side panels are attached to four corner post members when the container is erected. A unique advantage of the present invention is that the corner posts (22) have flanges (23) that are received into slots (40) formed by frame attachment members (35) having a flange (37) spaced slightly apart from the edges of the wall/end panels.

An advantage of this design is that the wall/side panels interlock with the corner post members. This provides structural support in several ways. First, as seen in the figures, the entire vertical length of flange 37 is received into slot 40. Thus, support is provided up and down the full vertical height of the wall/side panels (and not just at the locations where bolts 26 are used). Second, as seen in the top view of Fig. 2, when bolts 26 and 42 are unlatched, panels 11 and 12 must be rotated inwardly (i.e.: towards the center of the container) for the container to be collapsed. Thus, if the container was full, and bolts 26 and 42 were unlatched, the container would still not collapse (as the sides and walls must be rotated inwardly for the container to collapse). Thus is specifically due to the ***hollow*** corner post members (22) having ***perpendicular inwardly extending flanges*** 23.

None of the cited references, discloses the presently claimed system of hollow corner posts with perpendicular flanges that interengage within slots formed along the vertical margins (end faces) of adjacent gates. Therefore, the Applicant respectfully requests that the present anticipation and obviousness rejections be withdrawn and the claims be passed to allowance.

CONCLUSION

If the Examiner believes that it would facilitate prosecution, Applicant's attorney, David R. Heckadon, may be contacted at (415) 875-3266, or at dheckadon@gordonrees.com.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account **50-1990,** referencing **BMADD-1031736** and please credit any excess fees to such deposit account.

Respectfully submitted,

Dated: November 02, 2009 By: 

David R. Heckadon
Registration No. 50,184

Please recognize our Customer Number 27111 as our correspondence address.

GORDON & REES, LLP
101 West Broadway, Suite 1600
San Diego, California 92101-8217
Phone: (619) 696-6700
Facsimile: (619) 696-7124
E-mail Address: ipdocket@gordonrees.com